

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Nathaniel Gordon Hilary Lucas Examiner: Steven N. Leff
Serial No: 10/574,255 Group Art Unit: 9745
Filed: 03/05/07 Date: January 18, 2012
For: MANUFACTURE OF CHOCOLATE PRODUCTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

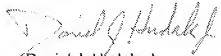
Sir:

The undersigned hereby certifies that the attached **REQUEST FOR CONTINUED EXAMINATION, AMENDMENT "B" AND A THREE MONTH EXTENSION** were electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313, on January 18, 2012. Thus, timely response has been made to the Office Action prior to expiration of the shortened statutory period for the same ending **01/19/12 with three month extension.**

The Commissioner is hereby authorized to charge any fees which might be required or credit any overpayment of fees with regard to the attached document(s) to Account No. **08-3150.**

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



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AMENDMENT "B"

Sir:

In response to the Office Action mailed July 19, 2011, the Applicant responds as follows:

Amendments to Claims begin on page 2; and

Remarks begin on page 4.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-10. (Cancelled)

11. (Previously Presented) A method of manufacturing chocolates with a thin design of at least one other colour thereon, the method including the steps of:

engraving a plurality of images, corresponding to the design, on a graphics plate at preselected locations:

obtaining a mould plate former by assembling a former plate, having a planar surface bounded by a border corresponding to the external dimensions of the mould plate; producing a plurality of former shapes, corresponding to the recesses to be formed in the mould plate;

locating the former shapes in a template operable to locate the former shapes on the former plate; applying adhesive to the former shapes; and

locating the former shapes on the former plate, using the template, to fix the former shapes to the former plate; producing a rubber mould plate using the mould plate former by mixing a silicone rubber compound with a hardener to form a solution; applying a vacuum to the solution to remove at least the majority of the air bubbles in the solution; pouring a preset weight of the solution into a mould former, and allowing the solution to settle; applying a clamping pressure to the mould assembly and allowing the silicone rubber to at least initially cure; and allowing the rubber to post cure before use;

applying chocolate of at least a first colour to the graphics plate to fill the engraved image thereon, to form the design, and removing any excess chocolate;

locating the mould plate on the graphics plate with the recesses in the mould plate in register with the designs of the at least first colour chocolate;

filling the recesses with another colour chocolate;

allowing the chocolate to set; and

removing the final chocolates from the mould plate.

12-20. (Cancelled)

21. (Previously Presented) A method of manufacturing chocolates with a thin design of at least one other colour thereon, the method including the steps of:

- obtaining a graphics plate having a plurality of images engraved thereon corresponding to the design;

- obtaining a mould plate by allowing a silicone rubber compound to at least initially cure on a mould plate former including former shapes and allowing the rubber compound to post cure before use, the cured mould plate including a negative form of said former shapes;

- applying chocolate of at least a first colour to the graphics plate to fill the engraved image thereon, to form the design, and removing any excess chocolate;

- locating the mould plate on the graphics plate, with the recesses present in the mould plate corresponding to the former shapes in register with the designs of the at least first colour chocolate;

- filing the recesses with another color chocolate;

- allowing the chocolate to set; and

- removing the final chocolates from the mould plate.

22. (Previously Presented) The method as claimed in claim 11, wherein after the chocolate is allowed to set, further trimming the mould plate to enable a coloured chocolate border of the same or a different colour to be formed around the designs of the first colour chocolate.

23. (Previously Presented) The method as claimed in claim 21, wherein after the chocolate is allowed to set, further trimming the mould plate to enable a coloured chocolate border of the same or a different colour to be formed around the designs of the first colour chocolate.

REMARKS

Claims 22 and 23 have been rejected under 35 U.S.C. §112, first paragraph and second paragraph. With respect to the written description requirement, the Examiner states that the application does not appear to disclose that after the chocolate is allowed to set, further trimming the mould plate can be performed. With respect to indefiniteness, the Examiner states it is unclear if the further trimming is with respect to the trimming of the mould plate while the chocolate is actually within thus trimming both the mould and chocolate or the other alternatives mentioned by the Examiner.

It is respectfully submitted that claims 22 and 23 are clearly supported within the specification as filed and the language thereof is definite. Support for the subject matter is clearly set forth on page 21, lines 10-15. It is stated that the chocolate is allowed to set for example in a cooling tower or refrigerator. Thereafter, it is stated that the mould plate 60 (itself) may be trimmed to enable a colored chocolate border, of the same or different color, to be formed around the designs of the first chocolate color.

Thus, it is respectfully submitted that clear written support exists for the limitation wherein after the chocolate is allowed to set, further trimming of the mould plate to enable a color chocolate border of the same or a different color to be formed around the designs of the first colored chocolate. It is specifically stated that the colored chocolate border can be of the same or different color, meaning the first color chocolate or second color chocolate or even a third color chocolate. Accordingly, it is respectfully submitted that adequate written description exists and claims 22 and 23 are clear and definite.

Claims 11 and 21-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lucas, et al, WO 97/39636.

It is respectfully submitted that the cited reference cannot anticipate nor render obvious the invention set forth in the pending claims.

With respect to the independent claims, the Examiner states that some of the claimed steps are for manufacturing the former plate which is an intermediate device and therefore not provided patentable weight.

However, it is respectfully requested that the Examiner provide patentable weight to said steps as they are necessarily part of the method of manufacturing chocolates of the

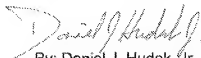
present invention, especially as said limitations were present in the claim as elected by the undersigned representative. Thus, it is unfair to the Applicants as there was no mention during the election discussion that select limitations of claim 11 would be ignored and thus not considered by the Examiner. The Applicants have been prejudiced greatly. Accordingly, reconsideration of claims 11 and 21 is earnestly solicited.

With respect to claims 22 and 23, the Examiner teaches that Lucas teaches a mould plate to enable a color chocolate border of the same or different color to be formed around the negative image in Figure 3. However, this is not the language specifically claimed by the Applicants. It is specifically claimed that after the chocolate is allowed to set, further trimming of the mould plate to enable a colored chocolate border of the same or different color to be formed around the designs of the first chocolate color. It is respectfully submitted that the Lucas reference cannot anticipate nor render the same obvious.

Should the Examiner have any questions regarding this response a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO., L.P.A.

A handwritten signature in dark ink, appearing to read "Daniel J. Hudak, Jr.", is written over the typed name.

By: Daniel J. Hudak, Jr.
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